

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED  
BILLINGS DIV.

2010 DEC 21 PM 2 34

PATRICK E. LUDWIG, CLERK

BY  
DEPUTY CLERK

RICKEY WHITE,	)	Cause No. CV 10-162-BLG-RFC
	)	
Petitioner,	)	
	)	
vs.	)	ORDER DISMISSING PETITION
	)	AND DENYING CERTIFICATE
DISTRICT COURT OF CHOCTAW	)	OF APPEALABILITY
COUNTY; OKLAHOMA COURT	)	
SYSTEM,	)	
	)	
Respondents.	)	

On December 20, 2010, Petitioner Rickey White filed this action seeking a writ of habeas corpus under 28 U.S.C. § 2254. White is a prisoner of the State of Oklahoma. He is proceeding pro se.

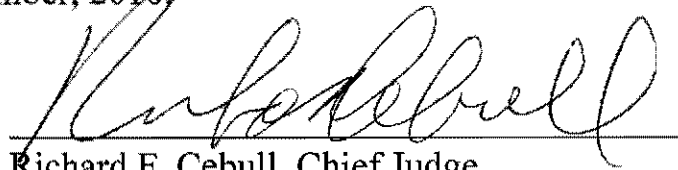
White did not move to proceed in forma pauperis or pay the \$5.00 filing fee, but there is no reason to permit that technical flaw to delay disposition. Rule 4 of the Rules Governing Section 2254 Cases. White's case is not connected with the State of Montana or the United States District Court for the District of Montana. He was convicted in Choctaw County, Oklahoma, in the early 1980's. He is incarcerated at the State Prison in McAlester, Oklahoma. He is filing here because he has already

exhausted all the process that is due to him, if not more. The Eastern District of Oklahoma and the Tenth Circuit Court of Appeals are no longer able to hear his claims. E.g., In re Rickey White, No. 09-6019 (10th Cir. Feb. 18, 2009); 28 U.S.C. § 2244(b). That is no basis for this Court to exercise jurisdiction. 28 U.S.C. § 2241(a), (d). Transfer will not be ordered because the petition is patently frivolous. 28 U.S.C. § 1631.

Accordingly, IT IS HEREBY ORDERED as follows:

1. White's Petition (doc. 1) is DISMISSED for lack of jurisdiction.
2. The Clerk of Court shall enter, by separate document, a judgment of dismissal.
3. A certificate of appealability is DENIED because the action is patently frivolous and a waste of this Court's and any reviewing court's time and resources.
4. The Court CERTIFIES that any appeal from this dismissal could only be taken in bad faith.
5. No further filings directed to this Court will be entertained.

DATED this 21<sup>st</sup> day of December, 2010.

  
Richard F. Cebull, Chief Judge  
United States District Court